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Hearing Date: June 9, 2022
Hearing Time: 10:00 a.m.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

FREDERIC BOUIN,

Chapter 11
Case No. 21-11932 (DSJ)

Debtor

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**DECLARATION OF JULIE CVEK CURLEY IN SUPPORT
OF MOTION OF KIRBY AISNER & CURLEY LLP TO
WITHDRAW AS COUNSEL TO FREDERIC BOUIN**

Pursuant to 28 U.S.C. §1746, Julie Cvek Curley declares, under penalty of perjury, as follows:

1. I am a partner at Kirby Aisner & Curley LLP (“KAC”), counsel to Frederic Bouin, the debtor in the above captioned Chapter 11 Case (the “Debtor”).
2. The factual statements in this declaration are based on my personal knowledge and if called and sworn as a witness, I could and would testify completely thereto.
3. I submit this Declaration in support of the Motion (the “Motion”) of Kirby Aisner & Curley LLP seeking entry of an order granting leave to withdraw as counsel to the Debtor in the Chapter 11 Case pursuant to New York Rules of Professional Conduct Rule 1.16(c) and Local Bankruptcy Rule 2090-1(e).

4. I am familiar with the contents of the Motion and the factual representations contained therein and believe them to be true and correct.

5. KAC was retained to file a bankruptcy petition on behalf of the Debtor, and on November 9, 2021, filed a voluntary chapter 11 petition for the Debtor in the Southern District of New York (the “Chapter 11 Case”).

6. By Notice of Appointment dated January 10, 2022, Ronald J. Friedman, Esq. (the “Chapter 11 Trustee”), was appointed the Chapter 11 Operating Trustee for the Debtor’s estate and is currently acting in that capacity. No examiner or official committee has been appointed heretofore.

7. The Debtor filed his Chapter 11 Case to be afforded the opportunity to address and resolve the debts he owes to his ex-wife, which amount he disputes, and thereafter, an ability to file a chapter 11 plan to pay back his various creditors, free from the hostile, adversarial and obstructive efforts of his ex-wife.

8. To that end, on December 16, 2021, KAC filed on behalf of the Debtor an application to set a deadline for filing claims in the Chapter 11 Case. The Court entered an Order on January 10, 2022 establishing the deadline for filing proofs of claim and approve the form and manner of notice thereof (Dkt. No. 27). The following day, KAC provided notice of the deadline to all creditors and parties in interest (Dkt. No. 33). The deadline for filing claims was February 25, 2022. KAC monitored the proofs of claim filed in the Chapter 11 Case.

9. Unfortunately, since the Chapter 11 Case was filed, my relationship with the Debtor has irretrievably broken down.

10. Over the course of several months, the Debtor has engaged in conduct that renders the representation of the Debtor unreasonably difficult for myself and KAC to carry out

employment effectively. While I used my best efforts to persevere, there was recently a breach of trust that has completely and irretrievably broken the attorney/client relationship. Myself and KAC can no longer continue to represent the Debtor in accordance with the New York Rules of Professional Conduct. In order to preserve the attorney-client privilege, I ask that Court to accept this representation without the need to disclose the facts and circumstances which led to this breakdown.

11. The Debtor has been advised by KAC of its intention to withdraw as counsel.

12. I submit that the Debtor will not be prejudiced by KAC's withdrawal as his counsel. There is a motion filed by the Chapter 11 Trustee to sell an apartment owned by the Debtor. An objection to the Motion was filed on behalf of the Debtor, and KAC intends to attend the hearing on that motion and request that any relief sought in this case be stayed until the Debtor has either retained new counsel, or decided to proceed *pro se*.

13. Based upon the foregoing, it is respectfully requested that the Motion be granted permitting KAC to withdraw as counsel.

Dated: Scarsdale, New York
May 6, 2022

/s /Julie Cvek Curley
Julie Cvek Curley, Esq.